

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. Z.B.-2021-04

Application PB#2020-10

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
NINO VENEZIALE
BLOCK 169.01, LOTS 3.08 & 3.09
AGR- AGRICULTURAL ZONING DISTRICT
BULK VARIANCE
HEIGHT OF ACCESSORY STRUCTURE
FRONT YARD SETBACK
APPROVAL**

Decided: January 11, 2021
Resolution Memorialized: March 1, 2021

WHEREAS, Nino Veneziale has made application to the Florence Township Zoning Board of Adjustment seeking front yard setback and accessory building height variance approval to allow construction of a 40' x 40' x 22'11" tall residential accessory garage at a property located at 2010 Cedar Lane Extension and known on the Official Tax Maps of the Township of Florence as Lots 3.08 and 3.09 of Block 169.01;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that the applicant had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its January 11, 2021 regular meeting;

WHEREAS, the applicant, appeared, was sworn, and offered his testimony in support of the application;

WHEREAS, the Board granted certain submission waivers based upon the recommendations of the Board Engineer, and found the variance application sufficiently complete to be heard;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for bulk variance approvals to allow construction of a 40' x 40' x 22' 11" tall residential accessory garage at a property located at 2010 Cedar Lane Extension and known on the Official Tax Maps of the Township of Florence as Lots 3.08 and 3.09 of Block 169.01.
4. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. Proof that no taxes were due on the subject properties at the time of the application;
 - d. Survey and Plan of Property prepared by Pennell Land Surveying which has been annotated by the applicant to show the proposed development and existing conditions;
 - e. Building Plans prepared by Lancaster Pole Buildings;
 - f. Zoning Officer's Certification;
 - g. An executed Escrow Agreement;
 - h. Proper application and escrow fees as required by ordinance;
5. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated January 6, 2021 commenting upon the application which is hereby incorporated into the record.
6. The new building is proposed to be 22 ft. 11 inched tall where a maximum height of 20 ft. is allowed.

7. The new building is proposed to be 46.1 ft. from the front property line and within the front yard. The new building is proposed to replace an existing 26 ft. x 26 ft. garage which is similarly located in the front yard.
8. The applicant testified that there are several similar buildings on other nearby properties, that he proposes to store his own vehicles and boats within the new building, that he proposes to bring electricity into the new building (but not water & waste water services), that he plans to use exterior finishes on the new building that are similar and complementary to those on his home, and that the proposed location will avoid interference to the existing septic system and allow continued use of the existing driveway.
9. The Board Engineer analyzed the existing and proposed lot coverage and opined to the Board that even with the new building and extended driveway area, development on the property would not exceed lot coverage limitations for the AGR Zone District. The Board Engineer further testified that due to the existing contours of the subject property, he does not perceive there to be issues with grading or runoff that would result from the proposed development.
10. The Board accepts as credible and probative the testimony of the applicant that the proposed development will be consistent with the general pattern and intensity of development of other properties in the surrounding neighborhood where there are other buildings of similar size to the proposed new building and that the proposed building location is necessitated by the existing lawful development on the property.
11. Public comment was offered on the application by Gordon Dawson, who spoke in favor of the application.

Conclusions of Law:

The Board finds that the proposed bulk variance for the front yard setback can be granted pursuant to NJSA 40:55D-70(c)(1), because the existing locations of the dwelling, garage (to be replaced) and septic system make locating the proposed structure in a conforming location exceptionally difficult. The Board finds that the proposed bulk variance for the overall height of the proposed new structure can be approved pursuant to NJSA

40:55D-70(c)(2), because a taller, more compact building will provide a better zoning alternative (through providing efficient use of land and an improved visual environment) than strict adherence to applicable standards, and the benefits to the general welfare of the proposed development substantially outweigh any detriment to the public good or impairment of the zone plan which would result from this deviation from the ordinance standard. Overall, the Board does not perceive any substantial detriment to the public good or impairment to the zone plan which would flow from the proposed development. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70 (c)(1 and (c)(2), respectively, and subject to appropriate conditions, to grant the requested bulk variances.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variances should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Nino Veneziale seeking front yard setback and accessory building height variance approval to allow construction of a 40' x 40' x 22'11" tall residential accessory garage at a property located at 2010 Cedar Lane Extension and known on the Official Tax Maps of the Township of Florence as Lots 3.08 and 3.09 of Block 169.01, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. The exterior finishes of the proposed new residential accessory building shall be consistent with the finishes on the dwelling at the subject property.
3. There shall be no business or commercial use of the proposed new building and it shall not be rented or used for storage by any non-owner of the subject property.
4. Electricity may be provided in the new building, but not domestic water and wastewater services.

5. No additional stormwater shall be directed onto adjoining properties as a result of the new development.
6. All taxes and escrow fees for professional review must be paid current and in full.
7. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.
8. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
9. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
10. Perfection of this approval shall be by filing of appropriate deeds. The applicant shall submit the legal descriptions to the Board Engineer, and the deeds to the Board Solicitor for their review and approval.
11. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within one year days of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE BULK VARIANCES:

Moved by : Mr. Puccio
Seconded by : Mr. Buddenbaum
In Favor : Mr. Puccio, Mr. Buddenbaum, Mr. Cartier, Mr. Lutz,
Ms. Mattis, Mr. Sovak, Chairman Patel
Opposed : None
Abstained : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Vice Chair Buddenbaum
Seconded by : Mr. Haas
In Favor : Vice Chair Buddenbaum, Mr. Haas, Mr. Cartier, Ms. Mattis,
Mr. Puccio, Mr. Sovak, Chair Patel
Opposed : None
Abstained : None
Absent : Mr. Lutz

FLORENCE TOWNSHIP PLANNING BOARD

Dated: March 1, 2021 Anant Patel
Anant Patel, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on March 1, 2021 and memorializes a decision taken by the Board on January 11, 2021.

Dated: March 1, 2021 Karen Federico
Karen Federico, Acting Secretary

Please note: Due to the coronavirus pandemic, virtual meetings are being held and signatures are done electronically. The minutes reflect the actions taken by the Board for the memorialization of this resolution.